

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: INDICTMENT

- v. -

: 07 Cr. \_\_\_\_

ROBERT ROSNER,

Defendant.

- - - - - X

COUNT ONE

The Grand Jury charges:

1. From in or about August 2004, until on or about December 6, 2006, ROBERT ROSNER, the defendant, served an Internal Revenue Agent with the United States Internal Revenue Service ("IRS"). In that capacity, ROSNER was responsible for conducting taxpayer audits.

2. On or about July 25, 2006, ROBERT ROSNER, the defendant, sent a letter to a small business based in New York, New York (the "Company"), advising that the IRS had selected the Company's federal tax returns for an audit.

3. On or about October 12, 2006, ROBERT ROSNER, the defendant, contacted the head of the Company (the "Victim") to discuss the audit. ROSNER requested that the Victim treat ROSNER to lunch. The Victim agreed, and had lunch with ROSNER in a restuarant in New York, New York.

4. On or about November 28, 2006, ROBERT ROSNER, the defendant, again contacted the Victim to discuss the audit of the

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Company. ROSNER again requested that the victim treat ROSNER to lunch, which the Victim did. During the lunch, ROSNER told the Victim that he would terminate the IRS audit of the Company if the Victim paid ROSNER \$5,000. The Victim agreed to pay the bribe.

5. On or about December 1, 2006, ROBERT ROSNER, the defendant, submitted internal paperwork at the IRS recommending that no change be made to the Company's tax returns. This step effectively ended the IRS audit of the Company. The IRS did not mail the letter notifying the Victim of the end of the audit until on or about December 11, 2006.

6. On or about December 3, 2006, the Victim had a conversation with ROBERT ROSNER, the defendant. Unknown to ROSNER, this conversation was recorded. During the conversation, the Victim told ROSNER that the Victim did not feel comfortable with the agreement to pay Rosner a bribe. ROSNER responded in, sum and substance, that ROSNER had already relied on the Victim's acceptance of the bribe offer; namely, by taking steps within the IRS to conclude the IRS audit of the Company. The Victim agreed to discuss the issue with ROSNER further the next day.

7. On or about December 5, 2006, the Victim received a telephone call from ROBERT ROSNER, the defendant. ROSNER stated, im sum and substance, that he closed the audit of the Company.

Statutory Allegation

8. From on or about July 25, 2006, through on or about December 6, 2006, in the Southern District of New York and elsewhere, ROBERT ROSNER, the defendant, being a public official, to wit, an Internal Revenue Agent with the United States Internal Revenue Service ("IRS"), directly and indirectly, corruptly demanded, sought, received, accepted, and agreed to receive and accept a thing of value personally and for another person and entity, in return for being influenced in the performance of any official act, to wit, ROSNER solicited and agreed to accept a \$5,000 cash payment in order to close and not further pursue an audit of a taxpayer.

(Title 18, United States Code, Sections 201(b)(2)(A) and 2.)

Deputy

  
\_\_\_\_\_  
FOREPERSON

  
MICHAEL J. GARCIA  
by MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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**INDICTMENT**

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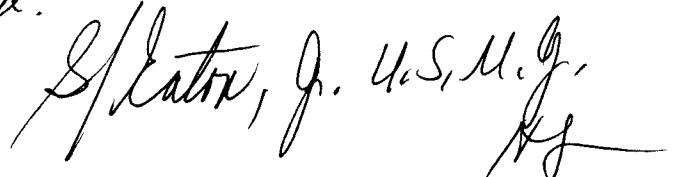
(Title 18, U.S.C., Sections 201(b)(2)(A) and 2.)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL

  
\_\_\_\_\_  
Foreperson.

11/20/07 Fld. Indictment, Case  
assigned to Judge Holwell for all  
purposes. Arrest Warrant Issued.  
So Ordered.

  
Michael J. U.S.M.J.  
AJ

11/20/07